

### REMARKS

Claims 1-10 are pending in this application. Claims 11 to 31 are canceled. Claims 1 and 4 are amended herein.

#### The Amendment to the Specification

The specification is amended herein to update the status of the parent application 09/390,276, to which the present application is a continuation-in-part..

#### The Canceled Claims

Claims 11 to 31 are canceled herein pursuant to a restriction requirement.

#### The Rejection under Prior Art

Claims 1-10 are rejected under 35 U.S.C. §102(b) as being anticipated by WO 97/20016.

The Office Action states:

In regards to the limitations of claims 1, 2, 3, 4, 6, and 7, WO 97/20016 disclose a material which comprises beta zeolite (See page 7, lines 21-23) and a porous inorganic oxide such as a crystalline mesoporous aluminosilicate of structures MCM-41, MCM-48 and FSM-16.

U.S. Patent No. 6,346,140 is only provided as evidence to show that FSM-16 is a mesoporous material of at least 97 volume percent mesopores.

However, the mesoporous inorganic oxide of the present invention is a non-crystalline material and has a characteristic X-ray diffraction pattern. Accordingly, independent claim 1 is amended herein to recite that the porous inorganic oxide is non-crystalline and that the X-ray diffraction pattern of the inorganic oxide includes one peak in  $2\theta$  between 0.5 degrees and 2.5

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degrees. Support for these recitations may be found in the specification, for example at page 5 lines 18-20, and in FIG. 1 plot "a" which shows an intense peak at between 0.5 and 2.5° in 2θ, which indicates a mesoporous structure. See, specification page 12, lines 14-22. These features are not disclosed or suggested by WO 97/20016.

A clerical modification is made to claim 4 to include the recitation of "based on micropores and mesopores of the inorganic oxide" which has been canceled from claim 1.

Accordingly, it is respectfully suggested that independent claim 1 as amended and all claims depending therefrom are neither anticipated by, nor obvious over, the references cited by the Examiner in support of the rejection. Reconsideration and withdrawal of the rejection are respectfully requested.

#### **CONCLUSION**

For at least the reasons stated above, all of the pending claims are submitted to be patentable and in condition for allowance, the same being respectfully solicited.

Respectfully submitted,



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